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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,700

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Shinya Taguchi

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EXAMINER

AUGUSTINE, NICHOLAS

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/625,700	Applicant(s) TAGUCHI ET AL.	
	Examiner NICHOLAS AUGUSTINE	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12 and 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/9/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A. This action is in response to the following communications: Request for Continued Examination filed 10/9/2008.
- B. Claims 1-3,5-12 and 15-25 remains pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/9/2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-12 and 15-20 recites the limitation "the different sizes" in line 2 of claims 9-12 and 15-20. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3,5-8 and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al (US Patent 6,249,281), herein referred to as “Chen”.

As for independent claim 1, Chen teaches an image processing system (310, col.3, line 54) for correlating still picture data with video data (col.4, lines 17-19), comprising: a video display section (520) for reproducing and displaying the video data on a screen (col.5, lines 41-42); a picture display section (540) for reproducing and displaying the still picture data on the screen (col.5, line 61); a designation section for accepting an instruction from a user to designate the still picture displayed on the screen (532 and col.6, lines 12-13); and a correlation section for, upon the instruction entered by the user during the reproduction of the video data, correlating the designated still picture data with a reproduction time position in the video data (col.6, lines 12-18).

As for independent claim 2, Chen teaches an image processing system for correlating still picture data with video data, comprising: (note the analysis of claim 1) a registered client including a video display section for reproducing and displaying the video data on a screen (fig.5 and col.3, line 1), *a picture display section for reproducing and displaying the still picture data on the screen, a designation section for accepting an*

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instruction from a user to designate the still picture displayed on the screen, and a correlation section for, upon the instruction entered by the user during the reproduction of the video data, correlating the designated still pictured at a with are production time position in the video data (note the analysis of claim 1); and a distribution server for holding the video data and the still picture data that are correlated with each other, and in accordance with a request from a browsing client, providing the video data and the still picture data (fig.3, 110 and col.4, lines 40-48).

As for dependent claim 3, Chen teaches an image processing system according to claim 2, wherein the distribution server (110) distributes, to the browsing client, correlation data (330) for video data and still picture data, and provides the still picture data requested by the browsing client (col.4, lines 17-19 and 40-48).

As for independent claim 5, Chen teaches *an image processing method for correlating still picture data with video data, comprising the steps of: reproducing and displaying the video data on a screen, and reproducing and displaying the still picture data on the screen; and in accordance with an instruction entered by a user during the reproduction of the video data to designate a still picture, correlating the corresponding still picture data with a reproduction time position in the video data (note the analysis of claim 1 above).*

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As for independent claim 6, Chen teaches an image processing method for registering still picture data in correlation with video data to a distribution server that provides the video data and the still picture data upon the reception of a request from a browsing client, the image processing method (col.4, lines 26-39 and col.3, line 1) comprising the steps of: reproducing and displaying video data on a screen, and reproducing and displaying still picture data on the screen (fig.5); correlating a corresponding still picture data with a reproduction time position in the video data (fig.7), in accordance with an instruction entered by a user during the reproduction of the video data to designate the still picture (col.6, lines 12-31); and registering the video data and the still picture data together with correlation data to the distribution server (fig.3, 110, 330).

As for dependent claim 7, Chen teaches the image processing method according to claim 6, wherein the correlation data is a program (340, col.3, line 1) for requesting the distribution server predetermined still picture data in accordance with the reproduction time position in video data (col.6, lines 12-18 and fig.7), in accordance with a request from a browsing client (col.3, line 1), the distribution server provides video data and the program for the browsing client, and the browsing client executes the program as the video data are reproduced (col.4, lines 32-39 and col.3, line 4), and requests the distribution server still picture data that are correlated with the reproduction time position (col.6, lines 12-31).

As for independent claim 8, Chen teaches a program that permits a computer (fig.2) to

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perform an image process for correlating still picture data with video data (col.3, lines 1-4), comprising: displaying a still picture on a screen (fig.5), accepting an instruction from a user to designate a still picture during the reproduction of the video data accepts (col.6, lines 12-18), and correlating the corresponding still picture data with a reproduction time position in the video data (fig.7, col.6, lines 24-29).

As for dependent claim 21, Chen teaches an image processing system according to claim 1, further comprising a single interface screen that includes the video display section, the picture display section, the designation section, and the correlation section (col.5, line 34 – col.6, line 52; figures 5-7).

As for dependent claim 22, Chen teaches an image processing system according to claim 2, further comprising a single interface screen that includes the video display section, the picture display section, the designation section, and the correlation section (col.5, line 34 – col.6, line 52; figures 5-7).

As for dependent claim 23, Chen teaches an image processing method according to claim 5, further comprising providing a single interface screen for reproducing and displaying the video data, reproducing and displaying the still picture data, and correlating the corresponding still picture data (col.5, line 34 – col.6, line 52; figures 5-7).

As for dependent claim 24, Chen teaches an image processing method according to claim 6, further comprising providing a single interface screen for reproducing and displaying the video data, reproducing and displaying the still picture data, corresponding the corresponding still picture data, and registering the video data and the still picture data (col.5, line 34 – col.6, line 52; figures 5-7).

As for dependent claim 25, Chen teaches a recording medium as recited in claim 8, further comprising providing a single interference screen for displaying the still picture, accepting an instruction from a user to designate the still picture, and correlating the corresponding still picture data (col.5, line 34 – col.6, line 52; figures 5-7).

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 1-3,5-12 and 15-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
December 18, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179